

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EASTERN SAVINGS BANK, FSB,

Plaintiff,

-against-

MARGARET MATHIS a/k/a MARGARET E.
MATHIS, PARK AVENUE PROPERTIES INC.,
and JAWAM INC., d/b/a EMPIRE BAIL BONDS,

Defendants.

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WEXLER, District Judge:

ORDER

CV 13-6352

(Wexler, J.)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
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APR 13 2016 ★
LONG ISLAND OFFICE

By this action, Plaintiff Eastern Savings Bank, FSB ("Eastern Savings" or "Plaintiff") seeks a judgment of foreclosure and sale on real estate premises located in Copaugue, New York, for the failure of Defendant Margaret Mathis a/k/a Margaret E. Mathis ("Mathis" or "Defendant") to make mortgage payments. By a Memorandum and Order dated January 20, 2016, this Court granted Plaintiff summary judgment, and directed Plaintiff to submit an Amended Judgment of Foreclosure and Sale within two weeks. Docket entry ("DE") 55.

On February 10, 2016, Defendant Mathis filed an affidavit as an Opposition to Motion to Amend Judgment of Foreclosure and Sale ("Opposition"). DE 58. Defendant's Opposition requests that the Court vacate the Judgment of Foreclosure and "allow [her] to go back to the bank to try for a Modification." DE 58, at 3. Plaintiff submitted a letter in response. DE 60.

The Court has reviewed and considered Defendants' Opposition and Plaintiff's letter in response. The Court will address the submission as a motion to vacate pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, or motion for reconsideration or reargument under Local Civil Rule 6.3.

The motion is denied. The Opposition restates the arguments previously considered by the Court in connection with the motion for summary judgment. It fails to raise issues of mistake or inadvertence, the existence of newly discovered evidence, or fraud. Accordingly, there is no basis to vacate pursuant to Rule 60(b). The Opposition further fails to raise any issues or arguments the Court may have overlooked to warrant reconsideration under Local Civil Rule 6.3. Accordingly, the Court declines to vacate its order granting Plaintiff summary judgment. Plaintiff's proposed Amended Judgment of Foreclosure and Sale will be addressed in a separate order.

SO ORDERED.


LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
April 13 2016